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Addendum

Contribution from the Economic and Social Commission for Asia and the Pacific

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HUMAN RIGHTS RELATED CONCERNS IN THE ASIAN AND PACIFIC REGION

The Asia-Pacific region is the world's largest and most populous. Six of the world's nine most populous states are in the region: China, India, Indonesia, Japan, Bangladesh and Pakistan. Its ethnic fragmentation, linguistic and religious diversity and immense contrasts in levels of economic and social development, and its variety of governments (from highly authoritarian military-dominated systems to relatively open, civilian controlled systems) set the region apart from other regions in the world. The region, also contain some of the world's most successful economies, i.e., that of Japan and newly industrializing economies (Hong Kong, the Republic of Korea, Singapore and Taiwan Province of China). While the region's overall economic performance is buoyant in recent years, there are still a number of countries showing slow economic and social development. Among these there are eleven of the world's least developed countries. Widespread economic and social deprivations in the region mean impoverishment and lack of empowerment of victimized groups. In view of these characteristics, marked contrasts exist among and within countries in awareness, practice and protection of human rights.

This report highlights broadly significant human rights related issues in the region. It provides an overview of the role ESCAP has played in addressing the major human rights related concerns. Firstly, human rights system in the ESCAP region is briefly discussed. Secondly, regional social situation is reviewed as realization of social and economic rights are widely considered as basic requirements for promotion and protection of other rights. As women comprise approximately half of the population in the region, an account of realization of human rights will be far from complete without a focus on the status of women in the region. The advancement of women is one of the key human rights issues of our times. Therefore, thirdly, the paper

reviews the disadvantaged position of women as participants in and beneficiaries of development. Fourthly, the status of children's rights in the context of child prostitution as an emerging issue in the region is also examined in the paper. Fifthly, the situation concerning the rights of disabled persons is presented. It must be pointed out that ESCAP does not consider human rights as within its mandate and therefore there is no human rights component in the activities of ESCAP. However, there are several programmes at ESCAP, under which activities having a direct bearing on realization of human rights are carried out.

A. Human Rights System in Asia and the Pacific

The Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly in December 1988, lists a series of rights in 30 articles[1]. While the UDHR is the most important international document on human rights. A significant body of international human rights law has developed since the adoption of UDHR. Numerous international declarations (which are not legally binding), international conventions (which are legally binding on those states ratifying them, unless specific reservations are entered) and regional agreements bearing on human rights have been adopted since in more than 40 years the UDHR was adopted. Examples include the International Convention on the Elimination of All Forms of Racial Discrimination of 1965; the International Covenant on Economic Social and Cultural Rights of 1966; the Convention on the Elimination of All Forms of Discrimination Against Women of 1979; the Declaration on the Rights of Disabled Persons of 1975; Declaration on the Rights of Mentally-Retarded

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[1] For the full text of the Universal Declaration of Human Rights see Ian Brownlie, ed., Basic Documents on Human Rights, second edition (Oxford: Clarendon Press, 1981), pp. 21-27.

Persons of 1971: Declaration on the Rights of Deaf-Blind Persons of 1979; and the Convention on the Rights of the Child of 1989.

In some regions such as Africa, Latin America and Europe regional conventions on human rights have been adopted. In Latin America and Europe, human rights courts are deciding cases and, in Africa, a regional human rights commission is functioning. However, in the Asian and Pacific region there are no regional or subregional conventions on human rights and no intergovernmental commissions or regional courts of human rights.

While intergovernmental human rights institutions and instruments have not evolved in the Asian and Pacific region, the focus on governmental activity alone does not convey a complete picture of human rights concerns in the region. Scholars, activists and non-governmental organizations in the Asian and Pacific region are active in human rights concerns.[2]

In 1982 the United Nations held a seminar in Colombo, Sri Lanka, to consider the advisability of establishing an Asian human rights commission.[3] Participants at the Seminar which included non-governmental observers did not recommend the establishment of such a commission. However, they identified many of the common human rights problems of the region, particularly unemployment, illiteracy, economic exploitation, discrimination against women and child labour. It was pointed out by the participants that human rights

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[2] For information on major non-governmental human rights organizations in the region see Virginia A. Leary, "The Asian Region and the International Human Rights Movement", in Claude E. Welch, Jr., and Virginia A. Leary ed. Asian Perspectives on Human Rights (Boulder: Westview Press), 1990, pp. 19-25.

[3] Seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, organized by the United Nations Division of Human Rights, Programme of Advisory Services, Colombo, Sri Lanka, June 21-July 2, 1982, ST/HR/SER.A/12. Participants from the following countries attended the seminar: Afghanistan, Australia, Bangladesh, China, Cambodia, France, India, Maldives, Mongolia, Nepal, New Zealand, Pakistan, Republic of Korea, Sri Lanka, Thailand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, and Vietnam.

must be seen as an integral part of the struggle of social transformation. Rights to self-determination, to accelerated economic and social development, the rights to a just economic order, rights to education, to life, to a fair trial and to equality were mentioned as of fundamental importance in the region. However, realization of economic and social rights were considered as basic requirements for the effective protection of other rights.[4]

B. The Right to Social Development

1. The regional social situation

The consistently high rates of economic growth in most of the developing countries in the ESCAP region in the past two decades stand in sharp contrast to the slow progress in social development. Many countries in the region continue to be characterized by widespread poverty, particularly absolute poverty; high rates of population increase; uncontrolled environmental degradation and natural resource depletion; inadequate social infrastructure, including the facilities necessary for universal access to potable water, essential sanitation, basic public health, elementary education, housing, transport and the like; and inadequate provision for basic human rights and political freedoms. These and related social development deficiencies throughout much of the region have resulted in social discontent. Several countries in the region have witnessed sporadic outbursts of civil unrest and repressing public policy responses.

Rather than narrowing during the past decade, the economic gap between

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[4] While no intergovernmental human rights commissions yet exist in the ESCAP region, steps toward formation of a sub-regional commission for the Pacific island countries have been initiated by a non-governmental organization called LAWASIA, the Association of Lawyers for Asia and the Pacific with headquarters in Australia. See Claude E. Welch, Jr. and Virginia A. Leary ed., op. cit., pp. 18-19.

the region's rich and poor, as measured in terms of incomes, occupations, and assets such as land, business ownership and movable wealth, has widened. Social tension - between economic classes, regional minorities, racial, religious and linguistic groups, and others - continues to contribute to political instability in many countries in the region. Repeatedly, this tension has been expressed through collective refusal to abide by public rules and regulations, particularly through mass protests, work stoppages, and acts of organized violence. Poverty, high levels of unemployment and underemployment, major disparities in the distribution of income and wealth, inadequate access to basic social services, and a general sense of pessimism concerning the prospects for improvement in the situation have added to the high levels of dissension and civil strife that exist in various countries in the region.[5]

Freedom, security and peace are prerequisites for economic and social development. They constitute essential elements of well-being for both the individual and society at large. While the ESCAP region has achieved some progress with respect to each of these concerns in recent decades, considerable further advance is required to ensure that all the people of the Asian and Pacific region may be assured of popularly acceptable levels of freedom, security and peace.

2. Civil and political rights in the region

It must be noted that a number of countries in Asia and the Pacific have adopted popularly approved constitutions extending internationally accepted civil liberties and political freedoms to all citizens. Similarly, positive steps have been taken in most of those countries to extend civil and legal

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[5] ESCAP, Towards a Social Development Strategy for the ESCAP Region (ST/ESCAP/1170), Bangkok, 1992, pp. 6-8.

protection to women, children and youth, disabled persons, the destitute and other disadvantaged and vulnerable sections of society. Increasingly, access to basic education, health care, housing and other generally accepted necessities of life are being viewed by the majority of the region's Governments as social rights to which all citizens are entitled.

Evidence shows that some progress has been made in the region in the past several decades in reducing the extent of armed conflict, martial law, state-condoned terrorism, press censorship and the like. Multiple political parties, including opposition parties, have been introduced in countries where they had previously been banned. In others, greater popular participation has emerged in the selection of civilian leaders at both local and national levels. In still others, the long-standing imposition of martial law has given way to constitutionally based parliamentary systems of representative government.[6]

In addition, in recent years many of the region's governments have made efforts to forge new alliances with people's organizations in order to take into account values and aspirations of certain sections of society. Such organizations include those representing labour, minority and sectional interests, as well as such specific social concerns as law and order, gender equity, social security, delivery of basic social services, and environmental protection.

While there has been some improvements in recent years, both through the courts and through the police, the distribution of justice remains inequitable throughout much of the region. Members of the political, military, business and other elite; owners of land and other forms of wealth; urban residents; the better educated; and men (rather than women) are among those who have

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[6] Amnesty International, Amnesty International Report, 1988 (London: Amnesty International), 1989.

preferential access to protection of person and property within the civil order. Even where discriminatory treatment is specifically proscribed, the bureaucratic complexities that pervade processes of legal protection and redress impose often insurmountable barriers to access. Civil defense systems in many countries of the region are known to be riddled with corruption. Judicial and police irregularities have also contributed to a growing sense of political malaise among the poor.[7] Thus, despite some gains, large sections of society in the Asian and Pacific region continue to lack acceptable conditions of freedom, security and peace. Particularly reflective of that situation is the fact that, by and large, the region continues to lag in the adoption of internationally established standards on human rights.

3. Social Development Strategy for the ESCAP Region Towards the Year 2000 and Beyond

The ESCAP at its forty-fifth session in 1989 adopted resolution 45/1 of 5 April 1989 on a regional social development strategy towards the year 2000 and beyond. The Commission in that resolution noted with great concern the critical social situation in many countries of the region, most clearly characterized by the persistence of mass poverty and widespread deprivation among disadvantaged and vulnerable groups in society. It referred to the eradication of poverty, pursuit of distributive justice, and enhancement of popular participation as central issues to be addressed by all development efforts in the region.

In accordance with that resolution, ESCAP undertook a major project to formulate a regional social development strategy. The activities under the project, carried out in three phases, led to the formulation of the Strategy. The Fourth Asian and Pacific Ministerial Conference on Social Welfare and

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[7] ESCAP, Towards a Social Development Strategy for the ESCAP Region, op. cit., pp. 12-16.

Social Development, held at Manila from 7 to 11 October 1991, adopted by acclamation the Manila Declaration on a Social Development Strategy for the ESCAP Region Towards the Year 2000 and Beyond. The Conference also considered and agreed upon a number of proposals for the effective implementation of the Strategy.

The basic objectives of the Strategy are the eradication of absolute poverty, the realization of distributive justice and the enhancement of popular participation. The Strategy assigns priority to the advancement of the region's disadvantaged and vulnerable social groups, including women, children, youth, disabled persons and the elderly.[8]

In the human rights context, the following three paragraphs in the Strategy are noteworthy:

> In virtually all countries of the ESCAP region, the issue of human rights as a critical aspect of distributive justice requires urgent attention. Universal basic education, including literacy, is one essential means to that end, as it can provide the necessary awareness, understanding, communication skills and self-confidence through which all citizens may pursue their human rights. Improved access by all people, especially members of disadvantaged and vulnerable social groups, to the formal justice system in their pursuit of remedies for grievances is a second essential means to that end. A third essential avenue is land reform, which can provide the region's landless poor with the means of achieving self-reliance as a first step to claiming their full rights in society.[9]

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[8] ESCAP, Social Development Strategy for the ESCAP Region Towards the Year 2000 and Beyond (ST/ESCAP/1124), Bangkok, January 1992, para. 1-4, p.15.

[9] Ibid, para. 13, p. 17.

> The hopes and aspirations of ordinary citizens throughout much of the ESCAP region for an improved quality of life remain unfulfilled in many respects. In many countries of the region, those unfulfilled expectations include such basic needs as food, shelter, health care and education. In addition, the fundamental desire of the people of the region to live their lives in dignity, peace and freedom in many cases remain unfulfilled.[10]
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> All social institutions can be structured to play a role in ensuring that social development takes fully into account the value and dignity of the human person and ensures the promotion of human rights. As emphasized in the Declaration on Social Progress and Development proclaimed by the General Assembly in 1969, that responsibility requires the immediate and final elimination of all forms of inequality and exploitation of individuals.[11]

The Strategy sets out national policy and planning measures as well as regional support measures which need to be implemented in order to achieve the aims and objectives of the Strategy.[12]

Since the adoption of the Strategy, ESCAP has undertaken several activities in order to assist the countries in the region in achieving the aims and objectives of the Strategy.

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[10] Ibid, para. 26, p. 20.

[11] Ibid, para. 27, p. 20.

[12] Ibid, pp. 32-44.

C. Advancement of Women

1. Major women's rights instruments

The Charter of the United Nations is the first international instrument to mention equal rights of men and women in specific terms. In its Preamble, the Charter proclaims the determination of the peoples of the United Nations "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women" and "to employ international machinery for the promotion of the economic and social advancement of all peoples". This basic principle is elaborated in the Universal Declaration of Human Rights, which proclaims that "all human beings are born free and equal in dignity and rights" (article 1), and that "everyone is entitled to all the rights and freedoms set forth (therein) without distinction of any kind", including distinction based on sex (article 2).[13]

The principle of equality of men and women and the prohibition of discrimination against women are at the heart of many United Nations instruments which deal with particular rights of women, such as the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women, the Convention and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; and, in so far as they concern the status of women, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. In addition, these principles inspired a number of instruments adopted by the International Labour Conference, including the Underground Work (Women) Convention, 1935 (No. 45);

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[13] United Nations Action in the Field of Human Rights, 1988, (United Nations Sales Publications E.88.XIV.2), p. 116.

the Night Work (Women) Convention (revised), 1949 (No. 89); the Equal Remuneration Convention for Men and Women Workers for Work of Equal Value of 1951 (No. 100); the Discrimination (Employment and Occupation) Convention of 1958 (No. 111); and the Workers with Family Responsibilities Convention, 1981 (No. 156); as well as the Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1960.[14]

2. The Status of women in the region

Although for more than forty years competent organs of the United Nations have worked vigorously to improve the status of women in various fields and to eliminate discrimination against women, in the Asian and Pacific region, as in other regions, the status of women is far from equal to that of men. Women, by virtue of their gender, experience discrimination in all areas of life. The continuation of women's stereotyped reproductive and productive roles, justified primarily on physiological, social and cultural grounds, has subordinated them in the general as well as sectoral spheres of development. In recent years despite economic progress measured in growth rates, at least for the majority of developing countries in the region, economic progress for women has virtually stopped, and social progress has slowed.[15]

(a) Economic participation in the modern economy

The female participation rate in the modern economy is much lower than that of men in the countries of this region. Moreover, women have yet to be integrated into all occupations and sectors and to obtain conditions and

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[14] Ibid, p. 116.

[15] 1989 World Survey on the Role of Women in Development (United Nations Publication, Sales No. E.89.IV.2), 1989, p.6.

content of work comparable to men's. In both the developed and developing countries of the region, women on average earn far less than men. Quite often, women are paid less for the same work done by men. A significant gender wage differential continues to persist in the region. Statistics show that in Japan, women in manufacturing earn 41 per cent of the average male wages and in the Republic of Korea 50 per cent. In Hong Kong and Singapore, the average female manufacturing wages were 57 to 70 per cent of those of male employees in 1990. This represented a decline over 1980. In Sri Lanka, the differential deteriorated by 10 percentage points in a period of four years, from 75.5 to 65.7 per cent.[16]

It must be noted that women are employed at the bottom rung of the career ladder. In most countries in the region, there is high gender segregation in the work force with women employed in the modern economy in mainly four occupational groups: professional workers, clerical workers, service workers and production workers. In the category of professional workers women generally provide low-paid yet vital services in the teaching and nursing professions. In almost all the countries of the region including the industrialized countries, a high percentage of women in the modern work force are clerical workers because they usually do not have the skills for manufacturing work and because of trade union barriers to their entry into trades and production work. In production work, women are recruited mainly for unskilled or semi-skilled jobs.[17]

Women are generally poorly represented in administrative and managerial positions. Women's participation in decision making is currently low

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[16] Calculated from International Labour Office, Yearbook of Labour Statistics (Geneva, 1991), table 17A.

[17] ESCAP, Women's Economic Participation in Asia and the Pacific, (ST/ESCAP/510), 1987, pp. 13-34.

throughout the private as well as public sector industries. The main sources of employment for women in several countries are in the following industries: textiles and clothing, food processing, chemical producing and electronics industry. The data show that industries that employ women have acquired an image of being low-paying ones. The clothing industry is an example; it was found to be one of the lowest paid industry in manufacturing sector where there is high concentration of female workers.

Many countries in the region have sought to speed industrialization through establishing Export Processing Zones (EPZ). Up to 90 per cent of the workers in many factories in EPZs such as textiles and electronics are female. Strict labour regulations keep them from unionization or other protection of their economic rights, personal health and safety, and basic dignity.[13]

In addition, women account for a disproportionate share of unemployment in most countries and have more limited access than men to jobs generally, especially at the higher occupational levels and have greater difficulty in securing adequate technical training or even information on finding and applying for available jobs.

(b) De jure and de facto legal status of women

Women's legal status in the countries of this region is not equal to that of men as discriminatory legislative provisions in the social, economic and political spheres continue to exist including provisions in the civil, penal and commercial codes and certain administrative rules and regulations. Within the region, gender inequality remains embedded in legislation on marriage and the family legislation that defines household obligations and the intra-household distribution of authority. Inequality also persists in

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[13] 1989 World Survey on the Role of Women in Development, op. cit., pp. 171-183.

matters pertaining to, among other things, nationality, inheritance, land tenure, ownership and control of property, agricultural cooperatives, and access to credit. In some countries, although progress has been made to ensure the gender neutrality of legislation, measures are lacking with respect to their effective implementation and enforcement. A gap persists between the legal declarations on the rights of women and the full realization of these rights in daily life, owing to the entrenched opposition of the male-oriented society, weakness in the law and customary discriminatory practices. Moreover, the fact that the majority of women neither are aware of their legal rights nor have access to their legal entitlements perpetuates the status quo. The lack of information on women's rights by women as well as men and of women's recourse to justice has hampered the achievement of women's equal status in society throughout the region.[19]

(c) Women's human resources development and quality of life

Gender disparity in human resources development is evident in the countries of the Asian and Pacific region. Women suffer from lower level of human resources development compared to men as reflected in terms of illiteracy and low level of education, malnutrition, poverty, lack of adequate food and safe drinking water, inadequate shelter, high birth and infant mortality rates, and relatively poor health.

The economic slow-down in last several years, when coupled with continued growth of population in many developing countries of the region, has meant that what economic growth has occurred in aggregate has not been translated into improvement in per capita terms.

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[19] ESCAP, selected issues in social development: Legal literacy among women in Asia and the Pacific (E/ESCAP/PSD(2)/5, Committee on Population and Social Development, second session, 19-23 November 1990, Bangkok.

Evidence shows that the adoption of national structural adjustment policies designed to redress economic ills have adversely affected the status and role of women. The adjustment policies often lead to a decline in per capita real income and increased poverty. It is estimated that the poorer groups of society tend to bear a disproportionate share of the burden of adjustment.[20] Because of the factors derived from pre-existing inequality between men and women, or male and female children, in most societies, women are over represented among the poor. Women have been also adversely affected by reduced per capita public expenditure on health, education and other social services regressing the efforts in achieving gender equality in these areas.

Increase in female-headed households in the region has been particularly pronounced due to difficult economic and social conditions, male migration and female participation in the work force. Female-headed households tend to be among the poorest in all countries which has grave implications for the present well being and future advancement of the women involved and their dependants.

3. Overview of ESCAP activities

ESCAP activities under the women in development programme involve research, training, the development of innovative approaches and pilot projects, information dissemination, the provision of advisory services, and the organization of meetings. The regional programmes for women give priority emphasis to development as an instrument towards realizing the goals of equality and peace.

ESCAP research activities on women have focused on two major needs: (i) Studies to provide a baseline description of the diverse status of women in

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[20] G. Cornia, R. Jolly and F. Steward, eds. Adjustment with a Human Face: Protecting the Vulnerable and Promoting Growth, vol. 1 (Oxford, Clarendon Press, 1986).

the region in order to identify the roots of their disadvantaged positions in need of analyses; this is a focus that is maintained to monitor changes in their status through time; and (ii) Studies to assess the impact on women and their roles in their countries' development, modernization, and industrialization, especially in situations where women predominate and/or are disadvantaged. These studies have made people aware of women's disadvantaged status, provided policy analyses and guidelines on how to improve women's participation in development, and identified problems in research and measurement methodologies.

Training has also been used as a tool for confidence-building and making people aware of women's potential and development. The training activities for women undertaken by ESCAP have been directed at policy and planning, operational and grass-roots levels. Other courses dealing with management and business, development planning, income-generation and project administration, and also provided testing of new techniques and methodologies in the preparation of training manuals.

The developing of innovative activities especially for disadvantaged women have included income generation, development of appropriate technology, provision of credit and loan funds and upgrading and expanding of basic services such as water and power.

ESCAP has contributed to the promotion of women-related information exchange through its triannual Social Development Newsletter and its publication of global and regional developments and research findings. In response to numerous requests from members and associate members of ESCAP for an improved system of information on women in Asia and the Pacific, ESCAP has initiated a long-term project to develop a regional women's information network for Asia and the Pacific (WINAP). The objectives of the project are to gather, analyse and disseminate views, ideas and statistics related to

women in development in order to provide a channel for promoting cooperative activities among women in asia and the Pacific and an effective means of monitoring the advancement of women's status in the region in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women.

Major activities of WINAP consist of the following: (i) Development of training programmes on the management of women's information centres and technical processing of information; (ii) Improving statistics and indicators on women; (iii) Technical support and advisory services to strengthen national mechanisms on the information networks for women; (iv) Strengthening the WINAP regional focal point at ESCAP through organization and maintenance of appropriate computer facilities and development of women-related information databases; and (v) Publishing semi-annually WINAP Newsletter and other information related materials.

Considering that the region is highly diversified, many of the regional programmes based on geographical, cultural and developmental commonalities have been matched with consultancy services for the specific needs of individual countries. Advisory services have been provided by ESCAP upon request by Governments in the region.

ESCAP as a regional forum has facilitated exchanges of views and information on both policies and practical experiences in the area of women in development. There have been many instances of valuable region-wide meetings on women held under ESCAP auspices which have made important contributions to regional and global consultations.

D. Children's Rights

Over the years, there has been a growing concern in the Asian and

Pacific region over exploitation and abuse of children including sexual abuse. In particular, there has been a phenomenal growth and internationalization of child prostitution, including both boys and girls in the region. Those trends in child prostitution have been closely associated with growth in adult prostitution, an increase in the absolute number of the poor, disparities in distribution of income and welfare among social groups and between men and women, rapid urbanization, high unemployment, migration from rural to urban areas as well as from developing to developed countries, and promotion of the tourist industry.

While a number of networks mainly at non-governmental level have emerged at national and regional levels to curb child prostitution and trafficking of young women, there is a serious lack of practical and viable economic measures and awareness-raising programmes to pre-empt entry of children into prostitution. Preventive measures taken by countries in the region are mainly in the form of periodic raids and saving child prostitutes from brothels. Developmental and rehabilitative measures relating to child prostitution are lacking in the region.

Recognizing prostitution as a crucial area of social concern in the region, ESCAP has carried out a number of activities to curb prostitution since 1985. In August 1991, ESCAP convened the Workshop on the Promotion of Community Awareness for the Prevention of Prostitution in the ESCAP Region at Lampang, Thailand. The main objectives of the Workshop were to provide a forum for the exchange of information and experience related to the prevention of prostitution, including child prostitution, and to consider strategies for promoting community awareness to prevent sexual exploitation and the trafficking of young people and children in countries of the ESCAP region. Representatives of government agencies and non-governmental organizations from a number of ESCAP member countries and various international organizations

concerned with the issue participated in the Workshop.

The Workshop formulated recommendations on national, regional and international level initiatives to prevent child prostitution as well as guidelines to promote community awareness for the prevention of child prostitution. It was recommended that all the countries in the ESCAP region should become party to the Convention on the Rights of the Child, adopted by the General Assembly in 1989. The Convention urges States parties to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse. The Convention defines children as those persons who are under 18 years of age. Moreover, the Workshop emphasized the need to take measures in accordance with the Plan of Action for implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted at the World Summit for Children held in New York in September 1990 and later endorsed by the General Assembly at its forty-fifth session in November 1990. The Plan of Action calls for national and international efforts to play special attention and render protection and assistance to child workers and young people trapped in the bondage of prostitution, sexual abuse and other forms of exploitation.

The Workshop agreed on the following national level recommendations: (i) A mix of developmental, preventive and rehabilitative measures should be taken to curb child prostitution; (ii) Governments should create more income-earning opportunities for poor and marginalized groups of people, to prevent parents from victimising their children into prostitution as a survival strategy; (iii) Legislative measures should be strengthened to detect and punish middlemen, agents, brothel owners, dishonest policemen and other officials involved in child prostitution; (iv) Local initiatives and action directed towards the prevention of child and juvenile prostitution should be

encouraged.

It was emphasized at the Workshop that due to growing internationalization of juvenile and child prostitution, regional and international collaboration was required to deal with the problem. Particular mention was made of a need to promote cooperation among the countries in the region and between the countries in the region and in the developed countries outside the region to develop laws, regulations and policies to curb trafficking in and prostitution of children.

E. Disabled Persons' Rights

1. The regional disability situation

According to United Nations estimates, 1 out of 10 persons is born with or acquires during his or her lifetime some physical, sensory or mental disability. This means that the Asian and Pacific region, with its population of over 2,900 million, has by far the largest number of the world's disabled persons, perhaps as many as 300 million.

The widespread poverty in the ESCAP region, closely associated with the underdeveloped condition of many of the region's economies, is itself a major cause of the high incidence of disability. Poverty is evident in low levels of nutrition, community health and general standards of cleanliness and sanitation. It is also closely associated with low levels of education and literacy, which restrict people's access to knowledge and information that would prevent disabling conditions.

In the more rapidly developing countries of the region, disability appears to be rising among two vulnerable groups. Increasing numbers of young people, who are more prone to risk-taking behaviour than people in other age groups, are becoming disabled through traffic and other accidents associated

with an active life-style, as the opportunities for such a life-style increase. At the same time, with increased longevity in many societies of the region, a growing percentage of their disabled people are of advanced age, since disability strikes elderly persons at a relatively high rate.

Disability in the developing countries of the Asian and Pacific region is frequently associated with occupational accidents in the industrial and agricultural sectors under the influence of rapid technological change. Inadequate safety measures, lack of proper training in the use of machinery and hazardous substances, poor public education on the prevention of disability and inadequate responses to offset disability when accidents happen account for a high incidence of disability in many of those countries.

The rapidly spreading problem of drug abuse in the region, which is in part a manifestation of the inability of individuals to adapt to rapid social and economic change, can also lead to disability. In a similar vein, many cases of mental illness have been precipitated by the breakdown of individual coping strategies as traditional social and economic support systems disintegrate.

In those parts of the region marked by armed conflict or civil unrest, large numbers of the survivors suffer disabilities of one sort or another. Violence, particularly where perpetrated through the use of modern weapons of war, has caused widespread life-long disability, psychological as well as physical, not only among the immediate survivors but also in their children, in various war-torn countries in the ESCAP region in recent years.[2]

Global and regional forums have made repeated calls for urgent action, with emphasis on the promotion of the full equality and participation of

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[2] ESCAP, selected issues in social development: A regional support services network for disabled persons, E/ESCAP/PSD(2)/7, Committee on Population and Social Development, second session, 19-23 November 1990, Bangkok, pp. 1-2.

disabled persons in society. Despite the interest generated during the International Year of Disabled Persons (1981) and the early years of the United Nations Decade of Disabled Persons, 1983-1992, there is still, in most developing countries of the ESCAP region, relatively little understanding of and action on disability issues.

The equalization of opportunities, as defined in the World Programme of Action concerning Disabled Persons, is the process through which the general system of society, including housing and transportation, social and health services, educational and work opportunities, and cultural and social life, is made accessible to all.[22]

Intrinsic to the concept of equalization of opportunities is the need to provide the means for enabling disabled persons to participate in social, economic and political life on an equal basis with non-disabled persons. The enabling process that this entails necessitates change on the part of the non-disabled members of society to bring about significant improvement in the daily lives of disabled persons. Ultimately, that enabling process has to ensure that disabled persons enjoy the same degree of freedom and choice as non-disabled persons in social and occupational mobility and individual expression.

Rehabilitation, skills development, social integration and the building of barrier-free environments are the essential components of that enabling process for disabled persons to take charge of their own lives as agents of their self-empowerment.[23]

Although equalization of opportunities is a major goal of the World

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[22] United Nations, World Programme of Action concerning Disabled Persons (New York, 1983), chap. I, sect. C., Definitions, para. 12, p. 3.

[23] See "ESCAP programmes on equalization of opportunities through community-based approaches" in Report of the Eighth Asia-Pacific Leadership Training Seminar: From Care to Self-help, Suva, 25-29 June 1990, (Asia-Pacific Regional Council, Disabled Peoples' International, in press), p. 7.

Programme, the concept is little known among the numerous government agencies and non-governmental organizations whose action is required for operationalization of the concept. The tendency in developing countries in the ESCAP region is for disability issues to be accorded low priority and to be dealt with in a single ministry, usually that concerned with social welfare. The result is that disabled persons are either institutionalized or have limited access to human resources development programmes.

2. Overview of ESCAP activities[24]

The proclamation of the United Nations Decade of Disabled Persons (1983-1992) stimulated increased concern for disability issues at both the regional and national levels in the Asian and Pacific region. Experience in the region indicated a pressing need for support to national disability policy and programme endeavours, particularly to enable people with disabilities to participate in national economic and social development. In response to that increased concern, ESCAP endorsed at its forty-first session in 1985 a new work programme element on the integration of disabled persons in development.

Initially, ESCAP activities relating to disability issues were designed to assist the less developed countries of the region in designing and implementing prevention and rehabilitation policies and programmes. However, the concluding years of the United Nations Decade of Disabled Persons saw growing recognition in the region that, of the three goals of the World Programme of Action concerning Disabled Persons (i.e., prevention, rehabilitation and equalization of opportunities for people with disabilities), the equalization goal was the most neglected. It was

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[24] Based on ESCAP, Achievements of the United Nations Decade of Disabled Persons, 1993-2002, in the Asian and Pacific region: ESCAP Activities Pertaining to the United Nations Decade of Disabled Persons (1983-1992) (SD/DDP/2), Meeting to Launch the Asian and Pacific Decade of Disabled Persons, 1993-2002, 1-5 December 1992, Beijing.

recognized that this was an issue that ESCAP could play a particularly valuable role in helping to address.

Thus, at the urging of the Commission and its Legislative Committee on Social Development, the focus of ESCAP activities has evolved to emphasize the full participation and equality of citizens with disabilities. As the majority of disabled people in the region are handicapped by economic and social deprivation, this policy focus is also in keeping with the new thematic thrust of the Commission on poverty alleviation through economic growth and social development.

Disability issues have been discussed in several intergovernmental meetings including the Fourth Asian and Pacific Ministerial Conference on Social Welfare and Social Development convened in 1991. To facilitate Government consideration at those meetings of critical issues that emerged during the United Nations Decade, the secretariat prepared policy documents that included suggestions on action that could be pursued in the region towards the implementation of the World Programme of Action concerning Disabled Persons. Furthermore, to promote fulfilment of the goals of the World Programme of Action, the ESCAP secretariat organized several regional meetings and conducted training activities on issues such as the following: local human resources and technology development for disability-related services in poverty areas; planning and organization of disability prevention and rehabilitation services; development of national training programmes concerning disability; review and appraisal of the region's progress on achievement of the goals of the United Nations Decade of Disabled Persons; planning and development of community-based rehabilitation programmes; equalization of opportunities through community-based services; establishment and strengthening of self-help organizations of disabled persons; and community-based support services for disabled persons.

Further to the priority given to the concerns of disabled persons in the regional Social Development Strategy, ESCAP at its forty-eighth session in April 1992 adopted a resolution 48/3 on an Asian and Pacific Decade of Disabled Persons, 1993-2002. In adopting the resolution, the Governments of the region expressed their collective commitment to the full participation and equality of people with disabilities.

The Asian and Pacific Decade of Disabled Persons provides an opportunity for ESCAP region to consolidate the efforts initiated during the preceding United Nations Decade through a new emphasis on regional cooperation in support of progress at the national level. In particular, it provides a context for the strengthening of technical cooperation among developing countries, as well as between the region's developing and developed countries, in the resolution of key issues that affect the lives of people with disabilities.

A Meeting to Launch the Asian and Pacific Decade of Disabled Persons, 1993-2002 will be held from 1-5 December 1992 at Beijing. The Meeting will review and appraise the progress made in the region during the United Nations Decade of Disabled Persons, 1983-1992, towards fulfilment of the goals of the World Programme of Action concerning Disabled Persons: prevention of disability, rehabilitation of disabled persons and equalization of opportunities for people with disabilities. Based on that review and appraisal, the Meeting is expected to devise an agenda for action to be pursued in the implementation of Commission resolution 48/3: Asian and Pacific Decade of Disabled Persons, 1993-2002. The agenda for action is expected to contain policy categories related to areas of concern of direct relevance to the development of policies in support of the full participation and equality of people with disabilities in Asia and the Pacific including the following: national coordination; legislation; information; public awareness;

accessibility and communication; education; training and employment; prevention of disabilities; rehabilitation services; technical aids; self-help organizations; and regional cooperation.

F. Concluding Remarks

It appears from the above analysis of major human rights related issues in the region that while there are a number of international and regional pronouncements on human rights related concerns, enforcement remains uncertain. The international community and many national governments lack the resolve and resources to rectify violations of human rights and other rights in most parts of this region.

As the Social Development Strategy encompasses the major areas of overall developmental concerns as well as concerns of vulnerable and disadvantaged groups of persons, ESCAP will endeavour to provide assistance to countries in the region in implementing the Strategy. With the realization of the aims and objectives of the Strategy in the countries of the region, "social justice" as a hallmark for human rights may prevail. ESCAP will also continue to play an important role in improving the participation of vulnerable and disadvantaged groups of persons, including women, in development and in ensuring equality in the realization of economic and social rights.

Moreover, the Commission has adopted a thematic approach for its programmes. Three major themes identified by the Commission for its work are: (i) regional economic cooperation; (ii) environment and sustainable development; and (iii) poverty alleviation through economic growth and social development. While the activities to be carried out under all the three themes will have a bearing on promotion and realization of human rights in the

region, the subprogramme on poverty alleviation through economic growth and social development with its focus on the ways and means of alleviating economic and social deprivation and promoting equity, will have a significant impact on promoting respect for human rights in the region.